

Hazrat Maulana Mufti Muhammad Taqi Usmani Sahab (May Allah Ta'ala protect and preserve him),
Vice President Darul Uloom Karachi

Memories

(Episode 29)

Training in Issuing Fatwa

In the beginning, besides the two hours of teaching, the remaining time was spent undergoing the training in issuing Fatwa. To this end, our respected father (may Allah's mercy be upon him) personally taught us the introduction to "*Durr Mukhtar*" and instructed us to meticulously study "*Imdad ul-Fatawa*"¹. And for this, the method he taught us was to read the question and reflect upon the answer I would give if this question were posed to me. If an answer comes to mind, Hazrat's answer should then be read and it should be cross-checked if there is a difference between my answer and Hazrat's answer. Furthermore, with respect to the *Fiqhi* excerpts Hazrat has cited in the answer, it should be understood as to how those excerpts lead to that answer. If, after reading the excerpts, it was clear as to how the verdict was deduced from them, then that was fine. If not, then the source cited in the answer should be referred to and its context understood. In addition, an eye should also be kept on the writing style employed in the answer. Our respected father (may Allah's mercy be upon him) used to say that the ability to issue Fatwas is not inculcated by merely memorizing the minute details of *Fiqhi* books. Rather issuing Fatwas requires a peculiar disposition which is acquired by staying in the company of an expert and insightful Mufti and engaging in this work under his supervision for a substantial period of time. This is the same for every branch of knowledge; i.e. the systematized rules and principles of that knowledge assist one up to some level, but no fixed formula as straightforward as two and two make four can be taught for applying them to the real world. It is one's disposition and ability which helps in this case, which is passed on to one by staying in the company of experts and undergoing training under their supervision. It is for this reason that the noble *Fuqaha* have said that if someone memorizes books of *Fiqh* by rote but has not undergone training to give Fatwa under an expert Faqeeh and Mufti, then it is not permissible for him to give Fatwa.

Moreover, even after resigning from Darul Uloom Deoband, our respected father (may his secret be sanctified) used to receive many jurisprudential questions requesting for his answers. Though there was no formal arrangement to record them, our respected father had preserved copies of some of those Fatwas. Our respected father (may his secret be sanctified) tasked me with the work of beginning their compilation. The aim of this was for me to get some familiarity with his temperament and disposition of writing Fatwas. Besides this, we would also be assigned some jurisprudential question every day and would answer it with the help of the relevant books. We would present our answers to Hazrat Maulana

¹ Translator: Collection of Fatwas issued by Hakeem ul Ummah Shaykh Maulana Ashraf Ali Thanvi (may Allah's mercy be upon him)

Mufti Rasheed Ahmad Sahab (may Allah's mercy be upon him) every day, while three days a week our respected father (may his secret be sanctified) would visit Darul Uloom from the city and would personally review many of the answers and affirm them. One incident that took place during this time is that one day our respected father came to Darul Uloom and led Asr prayer. After the Sajda (prostration) of the first or third Rakat, instead of standing up directly he forgetfully sat down for a few moments but then immediately stood up, and since he had sat for only a few moments he did not perform *Sajda Sahw* (prostration of forgetfulness) at the end. After the prayer Hazrat Mufti Rasheed Ahmad Sahab said to our respected father that he should have performed *Sajda Sahw* in this case. Our respected father replied: "*Sajda Sahw* would have become compulsory if I had sat for the duration of reciting *SubhanAllah* three times. Since I did not sit for that duration, it was not compulsory for me to do *Sajda Sahw*". Hazrat Mufti Rasheed Ahmad Sahab said: "Hazrat Thanvi (may Allah's mercy be upon him) has written in Imdadul Fatawa that *Sajda Sahw* should be performed if one sits for any duration of time." Our respected father asked for Imdadul Fatawa to be brought and found that someone had asked regarding this issue. The enquirer cited *Munyatul Musalli* and mentioned the same opinion as Hazrat Mufti Rasheed Ahmad Sahab had described, but at the same time quoted a different view from some other books. In reply, Hazrat Hakeem Ul Ummah wrote:

"I also have this doubt since a long time, but my habit is to perform *Sajda Sahw* in case of merely sitting forgetfully (for any duration). بل لتأخير القيام (Not because this entails leaving out a Sunnah, but because of delaying standing up). And (if one does sit forgetfully then) sitting for the duration of one *SubanAllah* does normally take place. Contemplate this a bit."

In this way, Hazrat Mufti Rasheed Ahmad's opinion was supported by Imdadul Fatawa. But since Hazrat Thanvi had expressed his doubt, both elders wished for a more detailed research on this issue. For this, both the elders commanded me to investigate this. Complying with this command, I wrote an article in which I concluded that the more preferred view is that sitting for less than the time taken to recite *SubhanAllah* three times does not necessitate *Sajda Sahw*. Rather it does not become necessary even if one sits for the duration of the *Jalsa Istiraahah*¹ recommended in the Shafi' school of thought. I showed this article to both the elders and both of them affirmed this view. Mufti Rasheed Ahmad Sahab (may Allah's mercy be upon him) also pointed out some more references which support this view and I added them to the article. This article was written on the 1st of Muharram 1380H, and our respected father also got it published as a marginal note in the above-mentioned place in the next edition of Imdadul Fatawa. Our respected father wrote the following at the beginning of this marginal note:

"My son Maulvi Muhammad Taqi (may Allah keep him safe) has written a marginal note with a detailed analysis of this point, which in my point of view is correct."

(Imdadul Fatawa Volume 1, Page 252, Question 445)

During one of those days, a question had come to Hazrat Mufti Rasheed Ahmad Sahab (may Allah's mercy be upon him) regarding (the permissibility to consume) our Desi crows. Alongside the question was a detailed reply of a Mufti Sahab in which he had cited evidences pointing to its impermissibility.

¹ Translator: Sitting for a short while after the second Sajda of the first and third Rakat

Hazrat Mufti Sahab instructed me to investigate this issue. I wrote an in-depth reply to the question, which was my second detailed Fatwa after the Fatwa about congregational Tahajjud prayers, and it eventually took the form of a booklet. This Fatwa was penned on the 4th of Rabi Ul Awwal 1380H and has now also been published in Ahsanul Fatawa Volume 7, Page 441. Some Fatwas of that time have also been published in my “Fatawa Usmani”. At the end of the training of Fatwa, we were tasked to write a research paper on a topic which our respected father (may Allah’s mercy be upon him) himself named “*Bay’ ul Huqooq*” (Sale of Rights). The purpose of choosing this topic was that the sale of numerous rights has become a norm in today’s world, such as the right to publish, import license, goodwill, etc. Research was needed for the permissibility or otherwise of the sale of these rights in the light of Shariah. Though our respected father (may his secret be sanctified) had already written a booklet on the topic of Publishing Rights, titled “*Thamaraat ul-Taqteef Fee Huqooq il-Ta’leef*” (which has now also been included in “*Jawahir ul-Fiqh*”), but with respect to new issues which arise out of the changing times, our respected father (may Allah’s mercy be upon him) would always continue pondering over them and reviewing his writings. To this end, his objective behind choosing this topic was to let further research continue on this topic. We were a number of students undergoing this training, and all of us wrote essays on this topic. I also wrote an essay, but my heart was not fully satisfied with what I had written and my respected father also suggested to do further research on it. Regrettably, I did not get the opportunity to further this work during the lifetime of our respected father. However, when this topic came under discussion during a convention of the Islamic Fiqh Academy in Jeddah, I wrote a detailed article on this, which has been published in my book “*Buhooth Fee Qadaya Fiqhiyya Mu’aasira*” under the title “*Bay’ ul-Huqooq*”.

Our respected father (may Allah’s mercy be upon him) would also receive questions on telephone. In the beginning, he instructed us to let him speak directly to the enquirer instead of listening to their question and relaying it to him. This was to avoid the possibility of us misunderstanding the question. Gradually, when we had spent a considerable duration undergoing the training in writing Fatwas, we were given permission to listen to the question and relay it to our respected father, and to relay our respected father’s answer back to the enquirer. After some more time we were also allowed to answer simple, doubt-free questions by ourselves.

We eventually completed the course of *Takhassus Fil Fatwa* (Specialization in Fatwa) but the work of writing Fatwas continued even after it and Alhamdulillah continues until today. Nevertheless, during our respected father’s (may Allah’s mercy be upon him) lifetime we did not issue any Fatwa without showing it to him. After his demise, the Fatwa would normally be issued after showing it to our respected teacher Hazrat Maulana Sehban Mahmood Sahab and sometimes Hazrat Maulana Muhammad Ashiq Ilahi Sahab (may their secret be sanctified). After the passing away of those two elders, Fatwas were also apprehensively issued with my signature only. Later I would also review the *Fatwas* written by students who were undergoing the training of Specialization in Fatwa, and this continues until today. While reviewing their writings, I would sometimes have to rephrase the student’s answer in its entirety and also rectify technical mistakes in some places, such that it would transform into a completely new Fatwa. But it would still be issued with that student’s name, with our attestation.

Now dear Maulana Zubair Haq Nawaz Sahab (may Allah keep him safe) has compiled my written Fatwas in four volumes as “Fatawa Usmani”. These have been published and he is now working on the fifth volume.

Issuing Fatwas is a heavy responsibility and the fear of mistake grips the heart at all times. Sometimes suggestions or questions regarding this lowly one’s Fatwas and other writings are received from some people of knowledge. Alhamdulillah I ponder over them and whenever I realize any mistake on my side I take back my mistake or rectify the text. And if the doubt does not seem correct, I clarify the same. To this end, I started publishing these in Al-Balagh under the topic of “Mistakes in Writings”, which was later renamed to “Rectification and Clarification”. I cannot thank Allah enough for the fact that this lowly one’s Fatwas and writings are read and reviewed by people of knowledge, and in this way I continue benefiting from their views and recommendations.

Learning English Language

While teaching in Darul Uloom, I was also interested in somehow continuing my learning of English language which I had begun with my brother Wali Raazi Sahab (may his shade be extended). He had already taught me the very basic and fundamental rules of grammar, but my vocabulary of English was very limited. For this, I bought an English Reader of seventh grade and began reading it. I could not find any formal teacher at the time. Maulana Muhammad Ishaq Jehlami Sahab (may Allah keep him safe) used to study in the second year in those days and I was also assigned to teach one or two books to his class. Since he had completed Matric¹, I began reading it with him and in a few days became able to somehow read and understand the passages with less difficulty. I found it difficult to pronounce English words. May Allah Ta’ala reward my elder brother respected Muhammad Wali Raazi Sahab (may his shade be extended) for his advice: “However much you get stuck, read the English passage loudly”. When I followed this advice, the words became easier to pronounce and I gradually became able to read fluently.

Alhamdulillah! With all my zeal to learn English, no desire arose in any corner of my heart that I should learn it to acquire a good job or to attain worldly benefits. The real motive was, firstly, to become aware of Western thought. And secondly, to deliver the message of Islam, while being aware of their way of thought, to those circles who are brought up in Western atmosphere and are not able to reach out to traditional Islamic circles.

After completing *Dawra-e-Hadith* I wanted to privately sit for Matric exams and to continue my studies until Master’s degree. However, sitting for all the exams of Matric together with rendering my services of teaching and writing Fatwas was difficult. In those days, there used to be a degree program under Punjab University called Oriental Languages. For Urdu language, three degrees: *Adeeb*, *Adeeb Alim* and *Adeeb Fazil*, in this order, were awarded; for Farsi: *Munshi*, *Munshi Alim* and *Munshi Fazil*; and for Arabic: *Maulvi*, *Maulvi Alim* and *Maulvi Fazil*. One could attain these degrees by passing the respective exam. Hazrat Maulana Muhammad Idrees Sahab Meerathi (may Allah’s mercy be upon him) had

¹ Translator: Matriculation: Tenth standard in the education system in Pakistan, equivalent to Secondary School

established an institute in Jacob Line called “*Idarah Sharqiyyah*” for preparing students for these exams, and he would also encourage us to prepare and sit for them.

Anyone who had passed any of those exams was granted the benefit that he could thereafter sit for the exam of English language only and attain a certificate in Matric and FA¹. Having completed my education from Darul Uloom, sitting for the exam of *Maulvi Fazil* (which was later renamed to *Fazil Arabi*) was no difficult for me. I therefore got myself registered as a private candidate and wrote the paper rather easily, and attained the first position in the entire university.

Thereafter I began preparing for the exam of Matric. I could not avail any formal teacher at the time. I had purchased the course books of Matric and would study them under random teachers. Since I had an affinity for Arabic *Sarf* (morphology) and *Nahw* (grammar), I did not find any difficulty in understanding English grammar. The basics of grammar which my brother Muhammad Wali Raazi Sahab (may his shade be extended) had taught me in two months had made me able enough to be able to read books of English grammar by myself and also to solve the practice exercises given in them. I therefore began reading Wren and Martin, which was a part of the curriculum of Matric and was very popular in those days among students and teachers alike, on my own, and wherever I faced any difficulty, I would make do by asking someone. However, I had a nagging feeling that my vocabulary was severely lacking.

Our respected father (may Allah’s mercy be upon him) also felt the need for at least some people to be trained who, besides being proficient in Islamic knowledge, were also familiar with English language, so that they could serve the Deen using this language. To this end, our respected father (may Allah’s mercy be upon him) appointed a teacher to teach English in Darul Uloom as an optional subject. This was respected Master Muhammad Sultan Sahab (may Allah’s mercy be upon him). He had a life-long experience of teaching English language and at the same time was *MashaAllah* enviably devout in worship. He would always be seen in the first row during congregational prayers, and I have never seen him miss, let alone a complete prayer, even a single Rakat behind the Imam. I considered this opportunity a bounty and studied several Readers from him and also practiced composition. He also possessed a vast experience in teaching grammar. However, instead of systematically studying grammar from him I would seek his help only in places where I needed guidance. The concept of direct and indirect speech in English grammar is one which has no parallel in Arabic, Urdu or Persian, and students of this level also find it quite difficult. However, since I had understood its basic principles quite well, I would not feel any difficulty in it. One time Master Sahab (may Allah’s mercy be upon him) gave me an entire page-length of passage to convert from direct to indirect speech. Alhamdulillah it did not take me more than a few minutes to do this. Master Sahab was not only astonished, he even said: “Nobody can beat you in grammar.”

I had to sit for the exam of Matric through Punjab University, so I travelled to Lahore during exam period and stayed at my elder brother respected Muhammad Zaki Kaifi Sahab’s (may Allah’s mercy be upon him) house. Since my entire preparation was done privately, I was a bit apprehensive as to how I could compete with those students who had attended formal classes in schools. *Bhai Jaan* comforted me

¹ Translator: Twelfth standard in the education system in Pakistan, equivalent to Higher Secondary School

saying: “*InshaAllah* you will pass with flying colours”. Dayal Singh College was designated as the exam center. I nervously reached the exam center, which was brimming with students. My respected father had taught me the following practice when sitting for any exam: before reading the exam paper, read کھيےص (“kaaf haa yaa ‘ayn sawd”) on the fingers of your right hand, such that read “kaaf” on the little finger and then close it, then continue closing each finger after reading a letter on it, until all fingers are closed on reading “sawd”. Thereafter say: “*Kufeeetu*” (I have been sufficed). Thereafter read حمعسق (“haa meem ‘ayn seen qaaf”) such that you open your little finger after reading “haa”, and thereafter continue opening a finger after reading a letter on it. When all fingers are opened, say: “*Humeetu*” (I have been supported). I followed this practice in all my exams and Alhamdulillah always passed with distinguished grades. I did the same for this exam, and when I opened the paper I did not find any question difficult. The last question asked to write an essay in English. I wrote one spanning several pages, and wrote it in a rather interesting style. When the results were announced, I happened to achieve second position in the entire Board. All praise is for Allah for granting it.

Thereafter I began preparing for Intermediate¹ exams. The course books were of a relatively higher standard. This time as well, I sought help from various teachers. A factory belonging to a brother of respected Dr Israr Ahmad Sahab (may Allah’s mercy be upon him) was located near Darul Uloom. There, respected Dr Sahab’s brother respected Iqtidar Ahmad Sahab kindly offered to teach me. I would go to his factory after Maghrib, where a flurry of mosquitoes would buzz around nonchalantly, and we would exchange hostilities throughout the duration of the study. Iqtidar Sahab had deployed numerous green coils for our defense, which aided in pushing back the army of mosquitoes to some extent, but then the room would be clouded with fumes of the coils, and their acrid smell would also diffuse throughout the room. My head would ache due to the fumes. But may Allah reward him abundantly, for he taught me with much kindness. This continued for some days but was discontinued afterwards due to some reason. And I don’t remember how I somehow finished the book later. I began studying another book, which was actually an ancient novel, under respected Master Sultan Sahab (may Allah’s mercy be upon him). It featured rather complex linguistic expressions. He taught it *MashaAllah* with great diligence. However, after my duties of teaching and writing Fatwas, I would not get much time to learn English. As a result, I could not complete the study of that book lesson by lesson, and in the end had to suffice with self-study. The exams began on the 1st of Muharram 1383 / 25th of May 1963. I somehow wrote the exams. Though I did not get any position in it, I nevertheless passed reasonably well (perhaps second division). According to my diary, I received news of my result on the 17th of August 1963, equivalent to 26th of Rabe’ Ul Awwal 1383.

Examination of B.A.

In order to do B.A., it was required to take two additional subjects besides English language. I took Economics and Political Science. I chose Political Science purely to increase my knowledge about the subject, and I also did not need any teacher for it because the relevant books in the syllabus were easily understandable by self-study. However, I felt the need of a teacher for Economics. I wanted to study Economics because in the rapidly evolving world we were living in, the Economic system of a nation had

¹ Translator: Twelfth standard in the education system in Pakistan, equivalent to Higher Secondary School

become the most crucial factor for its success and triumph. And in the times I am talking about, the world was polarized into the radically different systems of Capitalism and Socialism, and a constant cold war raged between the two. The yawning gap between the rich and poor that Capitalism had spawned, and the woes resulting therefrom, had catapulted Socialism to a roaring acceptance throughout the world. And those Islamic countries which had become fed up with a capitalistic system of economy were also leaning towards it; rather efforts were also being made towards declaring the economic system of Socialism to be in perfect harmony with Islam. I wanted to side-step all the populist rhetoric to grasp the philosophical foundations of both these systems, and at the same time also wanted to understand where they diverged from Islamic teachings and where they had erred.

As the science of Economics has advanced significantly in today's age, and it has now also branched into various sub-fields, it would have been rather difficult, or at least unreliable, to learn it relying solely on self-study. I was therefore looking for a teacher but there was none available in Darul Uloom at the time. And it was not practical for me to study it in some educational institute in the city, as I was busy rendering my services of teaching and writing Fatwas and other publications, while hours were needed for the trip from Darul Uloom to the city and back. At long last, a friend of mine respected Hasan-uz-Zaman Akhtar Sahab, who was a son-in-law of Hazrat Maulana Zafar Ahmad Ansari Sahab and the head of the Islamic Research department of the State Bank, agreed to teach me Economics on the condition that I teach him *Hidaya Akheereen* in return. And it was decided that I would visit his house some days of the week in the evening while he would visit Darul Uloom on some days. I therefore began studying Economics from him in this manner. Both of us found Samuelson's book, which was part of the syllabus of B.A., to be too lengthy for our needs. He therefore began teaching using another book which was not as lengthy. In return, I would teach him *Hidaya*, and later my elder brother and my first teacher of English language respected Maulana Muhammad Wali Raazi Sahab also took part in those lessons. Whenever Akhtar Sahab would introduce me to someone he would say: "He is my teacher." And I would reply about him: "He is my teacher". The person hearing these words would not only be perplexed, but even begin entertaining doubts whether we were joking. However, both sentences were true.

I eventually finished studying the book on Economics from Akhtar Sahab, but my thirst was not quenched regarding many aspects, especially that I could not attain any meaningful results towards the main purpose for which I had chosen to study Economics in the first place. My thirst therefore sought such a person who had done some research on those topics, and at the same time also possessed experience in teaching.

I had very good relations with the leader of *Jamaat-e-Islami* Professor Khurshid Ahmad Sahab (may Allah protect him). He was a scholarly and research-oriented elder, and would be very kind to me since the days I had freshly graduated from *Dawra-e-Hadith* and had begun studying for Specialization in Fiqh. I was seventeen years old at the time and had written my first book on birth control. Professor Khurshid Sahab had also written a powerful introduction to it. When I mentioned my quandary to him, he made a kind offer saying: "I have some notes from my teaching days. I can teach you some important topics using them." He also said that this would not take too long. Taking full advantage of this offer, I began presenting myself in his service and benefited from his masterly lectures for seven to ten days, or perhaps two weeks. Those lessons of a week or two removed many thorns related to Economics from

my mind, and a systematic picture of its topics became clear in my mind, and I became able to read and understand books of Economics on my own. I thereafter used those lessons as the base to study other books by myself.

Though I had previously read numerous critiques on Capitalism and Socialism, they largely comprised of mere lyrical, journalistic commentaries and didactic discourses, and I did not gain much insight into the philosophical foundations underlying these two theories. Now, as a result of this study, I grasped the philosophical foundations of these two theories and also recognized the points at which they diverge from Islamic commandments. Consequently, I later gave a lecture comparing the three systems of economy in Darul Uloom first, and thereafter wrote an article on this topic in Arabic in the beginning of *Kitab ul Buyoo'* (Book of Transactions) in *Takmila Fath ul-Mulhim*. And later elucidated upon this topic in more detail in my book "Islam and Modern Economics and Commerce".

Anyway! I completed my B.A. by taking Economics and Political Science along with English. I did not attain the same kind of marks in B.A. as I had attained in Matric and Intermediate, but Alhamdulillah passed in second division. And on the 16th of April 1966, I attained the degree of B.O.L (Bachelor of Oriental Learning), which is equivalent to B.A.